

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 30992 of 2006(M)

PETITIONER:

**MR.N.M. RAFEEQUE, S/O.T.M. MAKAR,
RESIDING AT KEECHERIYIL HOUSE,
MARKET P.O., MOOVATTUPUZHA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

**1. THE REGIONAL TRANSPORT OFFICER,
REGISTERING AUTHORITY, PALAKKAD.**

**2. VASAVAN M.K., KIZHAKKUMPURATH HOUSE,
THRIPPALAMUNDA, PARASSERI, PALAKKAD.**

**BY ADV. SMT.PRABHA R.MENON ---R2
SRI.M.KRISHNAKUMAR
GOVERNMENT PLEADER SRI. PUSHPALATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO: 30992/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE PAYMENT RECEIPT ISSUED BY THE FINANCIER.

EXT.P2. COPY OF THE APPLICATION FILED BEFORE THE R1.

EXT.P3. COPY OF THE LETTER ISSUED BY THE R1 TO RTO MOOVATTUPUZHA.

EXT.P4. COPY OF THE APPLICATION SUBMITTED FOR INTERIM INJUNCTION.

RESPONDENT'S EXHIBITS:

EXT.R2A. COPY OF THE LETTER EVIDENCING SURENDER OFVEHICLE ON 2/11/2005.

EXT.R2B. COPY OF THE NOTICE DT. 14/3/2006.

EXT.R2C. COPY OF THE NOTICE DT. 28/08/2006.

EXT.R2D. COPY OF THE OBJECTIONS ON 09/09/06.

EXT.R2E. COPY OF THE LETTER SENT TO THE FINANCIER DT. 14/12/2006.

[True Copy]

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 30992 OF 2006-M

JUDGMENT

The 2nd respondent is the registered owner of the vehicle KL-9/N 7806. It was seized by the financier Cholamandalam DBS Finance Ltd., and sold to the petitioner. The financier filed Ext.P2 application for issuing a fresh Registration Certificate, on 28.6.2006. If only a fresh R.C is issued in favour of the financier, the petitioner can get the same transferred in his favour, thereafter. So, the petitioner submits, the 1st respondent may be directed to consider and pass orders on Ext.P2 application.

2. The 2nd respondent opposes the above prayer of the petitioner. He points out that the financier is not made a party to this Writ Petition. Further, he has invoked the provision in the hire-purchase agreement for appointment of an arbitrator, to resolve the dispute between him and the financier. He moved the financier for appointment of an arbitrator and an arbitrator has, in fact, been appointed. The said arbitrator has already started functioning. There is possibility of the arbitrator passing an award in favour of the 2nd respondent, to hand over the vehicle to him. Therefore, the present motion for issuing a fresh R.C in favour of the financier cannot be

allowed, it is submitted.

3. I heard the learned Government Pleader for the 1st respondent also. If Ext.P2 is received and pending, the 1st respondent will consider and pass orders on it in accordance with law, after affording an opportunity of being heard to the petitioner, the 2nd respondent and the financier, within six weeks from the date of production of a copy of this judgment. It is made clear that I have not expressed any opinion on the rival contentions of the parties.

The Writ Petition is disposed of as above.

2nd February, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/